

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR FOOD SAFETY, ET AL.,

No. C 11-00831 JSW

Plaintiffs,

v.

THOMAS J. VILSACK, ET AL.,

Defendants.

**ORDER SETTING BRIEFING
SCHEDULE ON FEDERAL
DEFENDANTS' MOTION TO
DISMISS FOR IMPROPER
VENUE OR, IN THE
ALTERNATIVE, TO TRANSFER
VENUE**

On February 28, 2011, Proposed Intervenor-Defendant Monsanto Company ("Monsanto") filed a motion to intervene with which it submitted a proposed motion to dismiss, transfer venue or stay the case. (Doc. no. 14.) Upon reassignment of this action, Monsanto renoticed the motion to intervene for hearing on April 15, 2011, before the Undersigned. On March 2, 2011, Federal Defendants Vilsack and Animal and Plant Health Inspection Service ("APHIS"), an agency within the United States Department of Agriculture, filed a motion to dismiss for improper venue, or, in the alternative, to transfer venue. (Doc. no. 23.) On March 2, 2011, Plaintiffs filed a motion for temporary restraining order and preliminary injunction. (Doc. no. 25.)

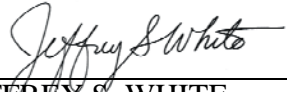
In the interests of judicial economy and avoidance of undue delay, the Court will adjudicate Federal Defendants' motion to dismiss or transfer venue before reaching Monsanto's motion to intervene or Plaintiffs' motion for temporary restraining order and preliminary injunction. Accordingly, the Court ORDERS that Plaintiffs shall file an opposition to Federal Defendants' motion to dismiss or transfer venue by 4:00 p.m. PST on March 8, 2011. In their

1 opposition papers, Plaintiffs must address the question whether the February 4, 2011, EA and
2 FONSI challenged in this action are also at issue in the action filed in the District Court for the
3 District of Columbia, *Grant v. Vilsack*, No. 11-308 JDB (D.D.C. February 7, 2011) (*Sugar*
4 *Beets III*). Federal Defendants shall file a reply by 4:00 p.m. PST on March 11, 2011.

5 The hearing on Federal Defendants' motion to dismiss for improper venue, or, in the
6 alternative, to transfer venue, noticed for April 15, 2011, is hereby VACATED. If the Court
7 determines that oral argument is necessary to decide the matter, it will issue notice of a hearing
8 date. If the parties wish to modify this schedule, they may submit for the Court's consideration
9 a stipulation and proposed order demonstrating good cause for any modification requested.

10 **IT IS SO ORDERED.**

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12 Dated: March 3, 2011

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15 JEFFREY S. WHITE
16 UNITED STATES DISTRICT JUDGE
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